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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062380
Party	Plaintiff D.B.C. Corporation
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

D.B.C. Corporation,)	
)	
Petitioner)	
)	
)	
v.)	Cancellation Nos.: 92062379
)	and 92062380
Nucita Venezolana C.A.,)	
)	
Defendant)	

PETITIONER’S MOTION FOR CONSOLIDATION

Petitioner, D.B.C. Corporation, hereby moves the Trademark Trial and Appeal Board to consolidate proceedings in each of the above captioned cases

These proceedings involve the same parties, and the same issues and the same transactional facts. Accordingly, Petitioner believes that good cause has been shown for this motion.

Petitioner initially filed two separate petitions to cancel registrations owned by Respondent. Each of the involved registrations consist of or include the term PIRUCREAM. Specifically, these registrations are for PIRUCREAM in stylized form and PIRUCREAM in standard character form for “cookies.”

As grounds for the petitions in both cases, Petitioner plead Section 2(d) of the Lanham Act. Specifically, Petitioner plead that since 1979 and well prior to Respondent, Petitioner, a U.S. company, has used and registered a family of PIROULINE brand marks for rolled wafer cookies, which are well known in the United States. Among these goods are Petitioner’s PIROULINE and CRÈME DE PIROULINE brand rolled wafers.

In 2013, fully thirty years after Petitioner's first use, and with full knowledge of Petitioner's prior rights, Respondent filed and obtained two registrations for the mark PIRUCREAM for the virtually identical goods, in both word and stylized form.

In both cases, Petitioner contends that Respondent's registration of the term PIRUCREAM whether in stylized form or word form will likely confuse and deceive U.S. purchasers into believing mistakenly that Respondent's PIRUCREAM cookies share the same source as Petitioner's well-known PIROULINE and CRÈME de PIROULINE cookies. As these proceedings involve the same marks, the same goods and the same parties, Petitioner respectfully submits that the interests of judicial economy mandate consolidation.

Wherefore, Petitioner respectfully requests that the Board issue an order consolidating these above captioned cases.

Dated June 9, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that pursuant to Trademark Rule 2.119(d), a true copy of the foregoing:

PETITIONER'S MOTION TO CONSOLIDATE

was served this 13th day of June on Registrant's counsel of record at the address identified in the records of the United States Patent and Trademark Office, via first class mail, postage prepaid, to:

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with a courtesy copy by email to chris@sanchelima.com

/Carla C. Calcagno/